REMARKS

Applicant hereby affirms the provisional election made by telephone on March 4, 2004 of the claims of Group I, which include claims 48-103 (in part) drawn to:

(a) catalyst having a ligand of the formula shown in claim 48 and a transition metal wherein Y is a CH_2 group or a bond; and

(2) method of using the catalyst.

Claims 71 and 82-103 are rejected under 35 U.S.C. §112, first paragraph, as being enabling only for asymmetric reactions recited in claim 72, but not for "any" asymmetric reaction.

Applicant has canceled claim 72 and incorporated its contents relating to asymmetric reactions into claim 71. Thus, amended claim 71 now includes only the asymmetric reactions that are recited in claim 72 and, as such, is allowable.

Applicant has also amended claims 73-79 to depend from amended claim 71. Claims 82-103, which depend directly or indirectly from claim 71, as amended, are now also allowable by virtue of their dependence from allowable claim 71.

Accordingly, the rejection of claims 71 and 82-103 under 35 U.S.C. §112, first paragraph, as being non-enabling should be withdrawn and claims 71 and 82-103 should be allowed.

Claims 49, 50, 59-61, 63-64, 67-68,70, 79-81, 93-94, 96, 100-101 and 103 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Regarding claims 49 and 50, Applicant has amended these claims to specifically recite "each of said substituted alkyls" and "each of said alkylenes."

Regarding claims 59 and 60, Applicant states, for the record, that the groups A_1' are indeed attached to the two adjacent bonds and, as such, are a part of the five-membered rings. They appear slightly displaced because of the insufficient space available to fit the A_1' group between the two adjacent bonds that are a part of the five-membered rings.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 59 and 60 under 35 U.S.C. §112, second paragraph, as being indefinite, and allowance of claims 59 and 60.

Applicant has rewritten claims 61, 63, 64, 70, 79, 94, 96, 97 and 103 have been rewritten in independent form. Accordingly, the rejection of claims 61, 63, 64, 70, 79, 94, 96, and 103 under 35 U.S.C. §112, second paragraph, as being indefinite should be withdrawn and claims 61, 63, 64, 70, 79, 94, 96, and 103 should be allowed.

Regarding the abbreviation used for the ligands, the abbreviations used are standard in the art. Thus, COT is cyclooctatriene, NBD is norbornadiene, DBA is dibutylamine, and "cymen" has been amended to "cymene," which is isopropyltoluene. Further, COD in $Ru(COD)_n$ is cyclooctadiene and n is an integer which is typically 1 or 2. Also, when the charges of the transition metal and the counter anion are balanced the ligand has to be neutral. When the transition metal in the complex does not have a counter anion but has one or more ligands, such as, in $Ru(COD)_n$, then Ru has a charge of zero, because cyclooctadiene (COD) is a neutral ligand.

Regarding whether the group X in AgX is ionic or covalent is not at issue here. What is at issue is the formula in which X is referred to as being the counter anion, which can be completely ionic or may have substantial covalent character, as is the case with AgX, where when X is chlorine, the salt is substantially covalent, whereas

when X is a highly dissociating group, such as, AgX where X is a highly stabilized negatively charged anion, such as, BF_4, $B(Ar)_4$, ClO_4, SbF_6, PF_6, or CF_3SO_3, the salt is substantially ionic.

Regarding the meaning of aryl, aryl group and arene, the terms "arene" or "ArH" have the same meaning and clearly denote a neutral aromatic compound. The term "aryl" and "aryl group" have the same meaning and are groups derived from an arene by removing a proton, i.e., by removing hydrogen. These are terms that are well understood and are commonly used in the art. Therefore, they are not indefinite.

Regarding the rejection of the claims based on recitation of "dba," Applicant has amended the claims to recite it in capitalized form as "DBA."

Regarding the rejection of the claims based on the $B(Ar)_4$ wherein the Ar group is fluorophenyl or 3,5-di-trifluoromethyl-1-phenyl, **the aryl group is not the counter anion**. It is the $B(Ar)_4$ that is the counter anion. However, Applicant has amended the claims to clarify that the Ar group in the $B(Ar)_4$ is fluorophenyl or 3,5-di-trifluoromethyl-1-phenyl.

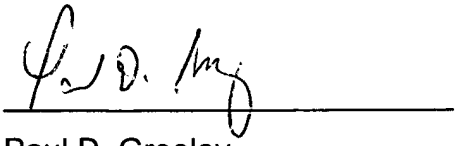
Regarding the definition of X' in claim 93, Applicant has amended claim 93 to define that X' is hydrogen.

Applicant has rewritten claim 60 in independent form. Accordingly, the proviso of claim 48 is absent from claim 60. Applicant had already deleted the ligands that belonged to non-elected inventions. Accordingly, Applicant respectfully requests that the Office Action point out if there are any ligands that still belong to a non-elected invention.

Accordingly, Applicant respectfully requests withdrawal of all of the rejection of the claims under 35 U.S.C. §112, first and second paragraphs, and allowance of all pending claims.

Accordingly, the Applicant respectfully requests reconsideration and allowance of all pending claims.

Respectfully submitted,

Date: June 14, 2004 By: 

Paul D. Greeley
Reg. No. 31,019
Attorney for Applicant
Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford CT 06901-2682
U.S.A.
Tel: 203-327-4500
Fax: 203-327-6401